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Commissioner for Patents  
Washington, D.C. 20231

on April 30, 2001

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Thomas J. Wrona

Name of applicant, assignee or  
Registered Representative

Signature

Date of Signature



Our Case No. 8642/88

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nabel et al.

Serial No. 09/458,610

Filing Date: December 10, 1999

For TREATMENT OF DISEASES BY  
SITE SPECIFIC INSTILLATION OF  
CELLS OR SITE SPECIFIC  
TRANSFORMATION OF CELLS  
AND KITS THEREFOR

Examiner Beckerleg

Group Art Unit No. 1632

## RESTRICTION RESPONSE

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the Official Action of March 29, 2001, Applicant elects, without traverse, Group II, claims 31-32, and 69-104.

Applicant wishes to clarify its intent to have pending only the claims presented by Applicant in the Preliminary Amendment (filed December 10, 1999) and the Supplemental Preliminary Amendment (filed March 24, 2000). Thus, as numbered by

the Examiner, the only pending claims should have been claims 33-68 (presented as claims 32-67 in the Preliminary Amendment) and claims 69-105 (presented as claims 68-76 in the Preliminary Amendment and claims 77-104 in the Supplemental Preliminary Amendment). Thus, the proper claims within the elected Group II are claims 69-105.

In an attempt to clarify which claims are currently pending, Applicant has cancelled all previous claims and resubmitted the claims of Group II as new claims 106-142.

Applicant respectfully requests an action on the merit of claims 106-142. If there are any questions regarding this matter, the Examiner is invited to call the undersigned at (312) 321-4714.

Date: April 30, 2001

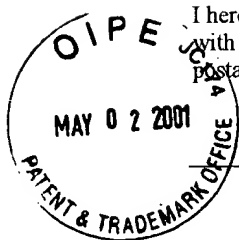
Respectfully submitted,



Thomas J. Wrona  
Reg. No. 44,410  
Agent for Applicant

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Group Art Unit No. 1632

## AMENDMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Please cancel all previous claims.

Please add the following claims:

Sub E<sup>3</sup>  
01  
106. (New) A method of introducing protein or factor in a mammal which comprises delivering to a blood vessel in the mammal a transfected vascular cell, the transfected cell comprising an exogenous nucleic acid encoding the protein or